

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Accelerating Wireline Broadband Deployment by	)	WC Docket No. 17-84
Removing Barriers to Infrastructure Investment	)	

**COMMENTS OF THE  
ALARM INDUSTRY COMMUNICATIONS COMMITTEE**

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Dated: June 15, 2017

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## **Summary**

AICC urges the Commission to retain a requirement that direct notice to retail customers must be provided before copper facilities can be retired. AICC demonstrates that notice of more than 90 days would not slow down the transition to next generation networks.

AICC demonstrates that a presumptive finding that Section 214(a) discontinuances will not adversely affect the public interest is not justified. On the contrary, entities offering services over fiber, cable and wireless networks, and IP-based services, oftentimes do not provide the same quality, reliability and functionality as the TDM-based services on which consumers rely. Therefore, the presence of fiber, IP-based or wireless services does not mean that the public interest will not be adversely affected as a result of a 214 discontinuance.

Finally, AICC argues that the Commission should not preempt State laws requiring maintenance and service quality standards. These state standards helped to ensure that the traditional TDM-based public communications network met the highest standards of availability, reliability and functionality to the benefit of all consumers. Rather than try to preempt state laws, the nation would be better served if the Commission examined ways to ensure that new communications networks meet or exceed the availability, reliability and functionality standards of the traditional, TDM-based network.

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The Alarm Industry Communications Committee (“AICC”), on behalf of its members,<sup>1</sup> hereby files comments on the Commission's NPRM/NOI<sup>2</sup> concerning proposed changes to current rules in connection with copper retirement and the discontinuance of telecommunications service and the preemption of state laws that impede broadband deployment. AICC urges the Commission to maintain customer notice and section 214 protections for consumers and urges the Commission to encourage, rather than preempt, state efforts to require service quality and maintenance to ensure high quality communications networks are available to consumers.

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<sup>1</sup> The Monitoring Association (TMA) (formerly known as Central Station Alarm Association), Electronic Security Association (ESA), Security Industry Association (SIA), the National Public Safety Telecommunications Council, Ackerman Security, ADS, ADT, AES- IntelliNet, AFA Protective Systems, Alarm.com, Alarm Detection Systems, ASG Security, Axis Communications, Bay Alarm, Bosch Security Systems, COPS Monitoring, CRN Wireless, LLC, DGA Security, Digital Monitoring Products, Digital Security Control, Encore Networks, FM Approvals, Honeywell Security, Inovonics, Interlogix, Intertek Testing, iPDatatel, Napco Security, NetOne, Inc., Nortek, Protection One, Rapid Response Monitoring, Security Central NC, Select Security/Security Partners, Stanley Security, Supreme Security Systems, Inc., Telular Corp., Tyco Integrated Security, Tyco Security Products, Underwriters Laboratories, Universal Atlantic Systems, Vector Security, Inc., Vivint, and Wayne Alarm.

<sup>2</sup> Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Notice of Proposed Rulemaking and Notice of Inquiry, WC Docket No. 17-84, FCC 17-37 (rel. Apr. 21, 2017) (NPRM/NOI).

AICC member companies protect over 30 million residential, business and sensitive facilities and their occupants from fire, burglaries, sabotage and other emergencies and, consequently, are an integral part of the public safety network. Alarm companies also provide Personal Emergency Response System (PERS) service for obtaining medical services and ambulances in the event of medical emergencies.

Alarm service providers and their customers utilize many types of communication technologies and services in connection with the provision of alarm services, including traditional telephone service, wireline and wireless broadband services, and the Internet. However, many alarm customers still rely on TDM-based telephone service as their underlying communication service and a majority of customers of PERS service are connected by TDM-based telephone service. Because the TDM-based network was engineered to be highly reliable, with quality of service standards and with an independent power source, traditional TDM-based telephone service provides alarm customers with a highly reliable service that meets the standards necessary for fire protection and other life/safety applications. In addition, TDM-based service allows other necessary functions for alarm services, including line seizure, the detection of a loss in communications path and the proper encoding and decoding of tone messages sent by the alarm panel.

AICC has urged the Commission on numerous occasions to ensure that these traits are preserved as TDM-based networks are transitioned to Internet Protocol (IP)-based networks. It is imperative that there are reliable and stable communications networks and services, no matter the technology, and that those networks are consistent. While the Commission has taken some steps to protect consumers during the transition to broadband networks and to ensure the

continued reliability of the nationwide communications network, a number of its proposals in the current NPRM/NOI, as discussed below, are a step backward and should be abandoned.

### **Retail Customers Must be Notified of Copper Retirement**

In the NPRM/NOI, the Commission seeks comment on proposed changes to the copper retirement rules, including the elimination of the requirement that incumbent LECs (ILECs) provide direct notice of planned copper retirements to retail customers, both residential and non-residential. The Commission asks what the likely impact on consumers would be if the notice requirement is eliminated and how "the benefits of notification compare with the costs in terms of slower transitions to next-generation networks?"<sup>3</sup> The Commission also seeks comment on proposals to allow an ILEC to retire copper facilities 90 days or 10 days after Commission issuance of a public notice and without providing direct notice to retail customers.

Verizon's practices in 2016 and 2017 to retire copper facilities and its letter to the Maryland Public Service Commission ( Maryland PSC) concerning those practices (Verizon Letter, attached hereto) demonstrate that customers must be given direct notice when an ILEC intends to retire copper facilities; the notice period should be more than 90 days; and a customer notification of more than 90 days imposes no cost on the ILEC in terms of a slower transition to next-generation networks. Further, Verizon's practices show that the elimination of customer notification and a notice period of 90 days or less would result in the involuntary and unlawful termination of service to customers. When telephone service is lost, the consumer also will lose the monitoring of its alarm and PERS service, which, of course, could have tragic consequences, including the loss of life and property.

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<sup>3</sup> NPRM/NOI at ¶64.

As shown in the Verizon Letter, Verizon must have access inside the consumer's home or business to retire copper facilities and replace them with fiber facilities. As stated by Verizon:

"a technician must visit the customer's property to access Verizon's equipment (e.g., the drop line connecting the premises to Verizon's network) to perform the migration. The technician installs an Optical Network Terminal ("ONT"), which is the point of demarcation between the fiber line in Verizon's network coming to the home and the customer's inside wiring. The ONT may be located inside or outside the home but the technician must connect the ONT to an electrical outlet. The technician also disconnects Verizon's drop wire from the Network Interface Device ("NID"), which was the point of demarcation between the Verizon copper line and the inside wire. The NID also may be located inside or outside the home."<sup>4</sup>

Verizon further states that "[t]he technician will ensure that any devices using the telephone line (faxes, alarms, medical devices) are up and running on the fiber line while at the visit."<sup>5</sup> These devices are inside the home or business. Thus, it is clear that notice must be given to the consumer before copper facilities to the premise can be retired to enable the scheduling of an appointment where the technician can have access to the premise to disconnect copper facilities from the NID, install the ONT, connect the ONT to a power source, and ensure that the consumer's telephone service works, as well as other devices using the telephone line, including alarms, PERS and medical devices. In light of the need for a technician to access the premise, it is not clear how Verizon could replace copper facilities without providing direct notice to the consumer.

It also is clear that direct notice to the consumer of more than 90 days, and, perhaps, significantly more than 90 days, would not slow down the transition to next generation networks. The copper retirement notice filed by Verizon on September 16, 2016, with the Commission for

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<sup>4</sup> Verizon letter at 4.

<sup>5</sup> Verizon letter at 4.

a number of areas in the state of Maryland and sent to consumers,<sup>6</sup> states that copper facilities will be retired a full year after the date of the notice letter. Further, the Verizon Letter states that Verizon must implement copper retirement in an area in phases throughout the 1 year period. This is understandable in light of the fact that a Verizon technician must be sent to the consumer's premise and perform a number of tasks to implement copper retirement. Thus, Verizon has acknowledged that it is not possible for Verizon to replace copper facilities for many multiple premise locations in a short time period.

On the other hand, if consumers are not given notice or if the notice period is short, consumers' telephone service will be terminated or degraded. In the Verizon Letter, Verizon states that after it provides notice to consumers of the date of copper retirement (Retirement Date), it then sends another letter to the affected consumers demanding that they contact Verizon to schedule an appointment to replace copper facilities (Scheduling Date). The Scheduling Date can be months before the Retirement Date and it may be sent at any time by Verizon. If a consumer does not contact Verizon by the Scheduling Date, Verizon "suspends" the consumer's service. According to Verizon, when service is suspended, the customer only can "place calls to 911 and to the Verizon business office."<sup>7</sup> Verizon states that approximately 14 days after suspension, Verizon "will disconnect the customer's copper telephone service" and the customer "will no longer have calling functionality on his/her line."<sup>8</sup>

Verizon's process shows that the Scheduling Date letter requires relatively quick action by the consumer (action in less than 90 days) after receipt of the Scheduling Date letter. The

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<sup>6</sup> See, Certification of Public Notice(s) of Copper Retirement Network Change Under Rule 51-332(d), Docket No. 16-351, Attachment B (Sept. 16, 2016). The Verizon filing shows that the same notice was sent to customers in Delaware, New York, New Jersey, Pennsylvania, Maryland, Massachusetts, Rhode Island and Virginia.

<sup>7</sup> Verizon Letter at 4.

<sup>8</sup> Verizon Letter at 4.



adverse impact of this short notice is significant. For example, in Maryland, consumers who received notice of a Retirement Date "on or after September 15, 2017," received a Scheduling Date letter dated October 27, 2016 and requiring the consumer to contact Verizon by December 14, 2016.<sup>9</sup> As explained by one consumer who received this Scheduling Date letter, the letter came:

"at the busiest season and most stressful time of the year- Thanksgiving, Christmas and Hanukkah. There is too much to do, including deciding whether to go with Verizon fiber, Verizon FIOS, Comcast or RCN. Verizon is in effect creating an unduly stressful environment that leads to a default decision for its fiber. Also, alarm system modifications need to be addressed. Backup power needs to be addressed. People have to find time to be home to let technicians in."<sup>10</sup>

The Maryland Office of the People's Counsel (OPC) states that it "fielded numerous inquiries and complaints from consumers who have received various copper retirement notices from Verizon."<sup>11</sup> Further, it states that other Maryland agencies "such as the Maryland Public Service Commission, the Maryland Office of the Attorney General, Howard County Office of Cable Administration, Montgomery County Office of Consumer Protection, and Montgomery County Office of Cable and Broadband Services had also received consumer inquiries and complaints about Verizon's notices."<sup>12</sup>

A short notice period (or no notice period) is likely to catch many consumers in a similar predicament where the circumstances and obligations of the consumer's life simply do not match

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<sup>9</sup> Verizon Letter at 8 and 9.

<sup>10</sup> Emergency Petition/Request of Joyce Rechtschaffen to Immediately Suspend Verizon's Notice Terminating (Retiring) the Copper Wire Telephone Service to Her Residence in the Bethesda Maryland Area, WC Docket No. 16-351, at 4.

<sup>11</sup> Opposition Comments of The Maryland Office of People's Counsel to the Copper Retirement Notices Send by Verizon Maryland, LLC to Maryland Retail Customers Under Rule 51.332 and Request for Immediate Suspension of those Notices Pending an Investigation, WC Docket No. 16-351 at 4. (OPC Opposition)

<sup>12</sup> OPC Opposition at 4.

Verizon's schedule. A short notice period would deprive consumers of a reasonable opportunity to understand the nature of the change in facilities and to select a different service provider, if necessary. This is especially critical for consumers that need reliable communications service for alarm, PERS and medical device services. Many PERS customers are elderly or infirm and may not be able to quickly respond to a notice from Verizon. And, worse, such consumers would be at risk to have their vital communications service degraded or terminated.

Verizon's Letter indicates that this is no small matter as Verizon appears to state that approximately 1,253 Maryland residential customers (out of a total of 5,333 residential customers) who received the Scheduling Date letter in Maryland requiring action by December 14, 2016, did not take action and were in jeopardy of suspension and termination. Verizon stopped its network transformation process for this first wave of customers in Maryland before the scheduled December 14, 2016 suspension date due to concerns raised by the Maryland Public Service Commission and OPC and, therefore, it appears that service to Maryland consumers was not suspended or terminated on December 14, 2016. However, Verizon has since renewed its network transformation process in Maryland. Further, it appears that Verizon did not stop its process in the other seven states in which consumers received copper retirement notices. In fact, AICC is aware of at least one alarm service customer in Pennsylvania whose Verizon telephone service was terminated in December 2016 as a result of Verizon's copper retirement program. Thus, thousands of consumers in multiple states may be facing suspension or termination of their service (or may already have had their service suspended or terminated) due to Verizon's copper retirement process and the short time period allowed before the suspension or termination of service.

A short notice period also will impact the consumer's ability to ensure that their other devices using the telephone line, including alarms, PERS, medical devices and fax machines, will continue to operate properly. For example, a number of companies providing alarm services in the areas in the Northeast and Mid-Atlantic states in which Verizon is retiring copper facilities have experienced a dramatic increase in the number of failed signals and invalid reports in the first and second quarters of 2017. A failed signal means the connection between the central monitoring station and the consumer's alarm panel failed. This could occur, for example, when the alarm panel is not properly connected when the consumer's copper line is replaced with a fiber line or an alternate service provider. An invalid report occurs when the data from the alarm panel is transmitted to the central monitoring station via the communications line connection; however the data is corrupted and cannot be "understood" by the central monitoring station. This commonly occurs as a result of network providers who compress a VoIP signal below accepted specifications for compression. The vast majority of these failures have been traced back to alarm systems using communications services with Verizon ANIs. It is reasonable to conclude that the increase in failures is tied to Verizon's copper retirement program.

### **The Commission Should Strengthen Consumer Notice Requirements**

Verizon's practices in connection with copper retirement under the current Commission notice requirements as outlined in its letter to the Maryland PSC, the many consumer complaints received as a result, and the increase in failed signal and invalid report notices that are occurring in the areas in which Verizon is retiring copper facilities demonstrate that the Commission should strengthen its customer notification requirements, not relax them. In the Verizon Letter, Verizon states that it believes it can provide a notification to consumers that lists a specific date

on which copper facilities will be retired (retirement date), require consumers to schedule an appointment to replace copper facilities before the retirement date, and, if they do not, suspend and terminate the consumer's copper telephone service well before the retirement date. Verizon justifies this position because the retirement date provided more than 90 days notice, and the Commission's rules only require 90-days notice to consumers. Verizon also states that "it was not practical for Verizon to wait until the last day to migrate all customers in a wire center area from copper to fiber facilities."<sup>13</sup> The Commission should reject this explanation and practice. Verizon chose the specific copper retirement date included in its notice to consumers and once it did so, it could not unilaterally suspend or terminate a consumer's copper telephone service before that date.

Verizon contends that suspending a customer's service "may not mean that Verizon has 'disabled or removed' the copper serving that customer at that time,"<sup>14</sup> in violation of the Commission's rules. According to Verizon, "[t]he copper remains in place and the customer still receives 'soft dial tone,' including the continued ability to call 911."<sup>15</sup> The Commission should reject this rationale as Verizon's practice clearly violates section 214 of the Act because it reduces or impairs service to a community or part of a community. Further, this weak argument by Verizon does not in any way address Verizon's admission that it will "terminate the customer's copper telephone service,"<sup>16</sup> a clear violation of the Commission's copper retirement rules and Section 214 of the Act.

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<sup>13</sup> Verizon Letter at 7.

<sup>14</sup> Verizon Letter at 7.

<sup>15</sup> Verizon Letter at 7.

<sup>16</sup> Verizon Letter at 4.

Let us be clear. Verizon's current practice shows that a Commission rule allowing ILECs to "retire copper" without providing direct notice to consumers would result in the termination of local telephone service to consumers, including the ability to call 911, without notice. Thus, the Commission should not adopt the proposals in the NPRM/NOI that would allow ILECs to retire copper facilities 90 days or 10 days after Commission issuance of a public notice and without providing direct notice to retail customers.

The impact on alarm services in areas where Verizon is retiring copper facilities also supports a re-evaluation of the merits of a general notice to the public when such facilities will be retired. Previously, AICC argued that general notice to the community should be provided in an area with a planned copper retirement, such as a notice published in the general media for the affected area. Ideally, the ILEC should provide direct notice to alarm companies when it seeks to retire copper facilities. However, notice in the media, combined with direct notice to consumers, would go far in allowing ISPs, like alarm companies, operating in the area with a planned copper retirement to be informed of the change and to work with their alarm service customers to ensure that alarm services will continue to operate properly once copper facilities are retired. In light of the tremendous increase in the number of failed alarm signals and invalid reports in areas in which Verizon is removing copper facilities, AICC renews this request.

The Commission also should modify its process in providing public notice when an ILEC files a copper retirement notice. Currently, the Wireline Competition Bureau does not provide public notice until 6 months before the date of copper retirement specified by the ILEC. In the case of Verizon's copper retirement notices for Maryland and other states, which were filed with the Commission on September 15, 2016, the Commission did not provide public notice of the

copper retirements until March 17, 2017. As shown in the Verizon Letter, by this time, thousands of consumers were already forced to accept the change in copper facilities, change their service, or face suspension or termination of service. This process also means that the Commission does not establish a docket to receive comments and complaints in connection with the copper retirement until thousands of consumers have already been impacted.<sup>17</sup> The Commission should change this practice and release the public notice and establish a docket as soon as the ILEC submits its copper retirement notice. The Commission also should make clear that the notice period does not begin until the Commission releases a Public Notice of the copper retirement.

Finally, the Commission should investigate Verizon's copper retirement practices and determine the extent to which Verizon has terminated service to customers prior to the retirement notice date. AICC is aware of at least one customer in Pennsylvania whose telephone service was unlawfully terminated and it seems certain that there are more. The Commission also should investigate whether Verizon's copper retirement practices amount to an unreasonable practice in violation of Section 201 of the Act.

**A Presumptive Finding that Section 214(a) Discontinuances Will Not Adversely Affect the Public Interest is Not Justified**

In the NPRM/NOI, the Commission seeks comment on whether it should conclude that Section 214(a) discontinuances, which require carriers "to obtain authorization from the Commission before discontinuing, reducing, or impairing service to a community or part of a

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<sup>17</sup> The Bureau established a docket for copper retirement in Maryland prior to public notice, apparently, at the behest of the Maryland OPC, but this appears to be the exception, not the rule.

community,"<sup>18</sup> will not adversely affect the present or future public convenience and necessity, provided that fiber, IP-based, or wireless services are available to the affected community.<sup>19</sup>

The Commission should not adopt this conclusion because it has been shown that this simply is not true. Rather, AICC has demonstrated in these comments and in previous comments filed with the Commission that entities offering services over fiber, cable and wireless networks, and IP-based services, oftentimes do not provide the same quality, reliability and functionality as the TDM-based services on which consumers rely. Therefore, the presence of fiber, IP-based or wireless services does not mean that the public interest will not be adversely affected as a result of a 214 discontinuance.

In the NPRM/NOI, the Commission asks what types of fiber, IP-based or wireless services would constitute acceptable services to traditional TDM-based services and whether the availability of third-party services would demonstrate the existence of an acceptable alternative service or whether only services offered by the discontinuing carrier would suffice?<sup>20</sup> An acceptable alternative service should provide the same quality, reliability and functionality as the TDM-based services on which consumers rely. To be functionally equivalent to a TDM-based service, the new service must be equivalent with respect to dialing, dial plan, call completion, carriage of signals and protocols, loop voltage treatment, decibel loss, jitter, dual tone multi frequency (DTMF) signal performance, compression and latency. The service should meet these standards for the entire span of the connection, even when a call is routed to an intermediate provider in the call path. It also should include eight (8) hours of standby power supply capacity for communications equipment deployed in the field deployed and twenty-four (24) hours of

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<sup>18</sup> NPRM/NOI at ¶71.

<sup>19</sup> NPRM/NOI at ¶95.

<sup>20</sup> NPRM/NOI at ¶95.

standby power supply capacity for communications equipment at the central office or equivalent facility. In addition, a substitute service must support alarm signaling from premises, including medical alert or PERS systems and the ability for an alarm provider to reach a remote alarm system and control it as necessary.

It is clear that at least some, if not all, of the services being offered to consumers today over fiber, cable and wireless technologies are not of the same reliability and functionality as traditional, TDM-based, local exchange service and do not meet these standards. The alarm industry has experienced serious issues in 2016 and 2017 as discussed in these comments, when alarm signals have not been completed in connection with Verizon's fiber facilities or, possibly, an alternative cable network provider. In previous comments, AICC discussed how alternative providers make changes to their networks that affect service reliability and quality on a regular basis- either by changing their own network parameters, for example, with respect to compression, or by using intermediary providers that do not meet the same reliability and quality standards. We also have seen the circumstance in Fire Island, NY where Verizon sought to replace POTS service with a substandard wireless alternative, Voice Link, which was not capable of supporting alarm services.

Further, a carrier should not be able to rely on services provided by other providers as an alternative because the carrier cannot know or ensure that services provided by another provider will meet the reliability and functionality standards. Rather, the Commission should examine alternative services, provided by the discontinuing carrier or another provider, as part of the Section 214 discontinuance process to make a specific determination as to whether such services meet reliability and functionality standards such that the public interest will not be adversely affected.



## **The Commission Should Not Preempt the States**

In the NPRM/NOI, the Commission asks "whether there are state laws governing the maintenance or retirement of copper facilities that serve as a barrier to deploying next-generation technologies and services that the Commission might seek to preempt."<sup>21</sup> As examples of rules that may be barriers to deploying next-generation technologies the Commission states that "certain states require utilities or specific carriers to maintain adequate equipment and facilities" and others "empower public utilities commissions, either acting on their own authority or in response to a complaint, to require utilities or specific carriers to maintain, repair, or improve facilities or equipment or to have in place a written preventative maintenance program."<sup>22</sup> The Commission seeks comment on the impact of state legacy service quality and copper facilities maintenance regulations and the impact of state laws restricting the retirement of copper facilities.

The Commission is entirely misguided in this inquiry. State maintenance and service quality standards helped to ensure that the traditional TDM-based public communications network met the highest standards of availability, reliability and functionality to the benefit of all consumers. Further, it is clear that IP-based networks do not meet these same standards. Thus, rather than try to preempt state laws, the nation would be better served if the Commission examined ways to ensure that new communications networks meet or exceed the availability, reliability and functionality standards of the traditional, TDM-based network.

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<sup>21</sup> NPRM/NOI at ¶113.

<sup>22</sup> NPRM/NOI at ¶113.

## **Conclusion**

The Commission has a duty to ensure "a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense," and "for the purpose of promoting safety of life and property ...".<sup>23</sup> While the Commission previously has taken some steps to protect consumers during the transition to broadband networks and to ensure the continued reliability of the nationwide communications network, a number of its current proposals are a step backward and should be abandoned. Specifically, AICC urges the Commission to abandon its efforts to reduce or eliminate customer notification of copper retirement, to eliminate Section 214 protections and to preempt state laws that seek to ensure the continued availability of high quality communications networks.

Respectfully submitted,

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<sup>23</sup> 47 USC §151.